THE WEEKLY REGISTER.

By F. A. TYLER. Devoted to News, Politics, Scientific, Commercial, Agricultural and Miscellaneous Information. $3 in Advance.

"Power is never conferred but for the sake of the public good."

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THE REGISTER.

Printed and published every SATURDAY at THREE DOLLARS in advance. Subscribers who do not pay in advance, will invariably be charged four dollars.

Advertisements inserted for one dollar per square (of ten lines or less,) for the first insertion, and fifty cents for each subsequent insertion.

Advertisements which exceed ten lines, charged ten cents per line for the first, and five cents for each insertion afterwards.

YEARLY ADVERTISING.—A deduction will be made to those who advertise by the year to a sufficient amount to make it for the interest of merchants and others.

Advertisements out of the direct line of business of the yearly advertiser will be charged for seperately at the ordinary rates.

Professional cards, not alternate for the year, containing ten lines or less ten dollars.

The names of candidates for county offices will be inserted for five dollars, payment always in advance, and State offices ten dollars.

Election tickets will never be delivered 'till paid for.

Political circulars or communications of only an individual interest, will be charged at half price of ordinary advertisements and must be paid in advance.

Advertisements not marked with the number of insertions will be continued 'till forbid, and any alterations made after insertion charged extra.

Advertising patrons will favor us by handing in their advertisements as early after our regular publication days as convenient—not later in any case if possible, than Thursday night.

All JOB-WORK must be paid for on delivery.

POSTAGE must be paid on all letters, or they wil not be attended to.

Government of Mississippi.

T. M. Tucker, *Governor*, 'till Jan. 1844.
Lewis G. Galloway, *Secretary of State.*
J. E. Matthews, *Auditor of Public Accounts.*
Richard S. Graves, *State Treasurer.*
John D. Freeman, *Attorney General.*

JUDICIARY.

Judges of the High Court of Errors and Appeals: Wm. L. Sharkey, Edward Turner, and A. M Clayton.

This Court has no jurisdiction except wha properly belongs to a Court of Appeals. Its sessions are holden on the first Mondays of Jan and July at Jackson.

Chancellor of the State.—Robert H. Buckner.
Clerk—R. L. Dixon.

ON WHIT MONDAY COURT IS HELD.

First District.

Bolivar,	5th Monday	April and October.
Claiborne,	4th do	May and November.
Warren,	3d do	April and October.
Washington,	2d do	do do

Second District.

Carroll,	2d Monday	April and October.
Choctaw,	4th do	March and Septem.
Tallahatchie,	4th do	May and November
Yalobusha,	1st do	do do

Third District.

Adams,	4th Monday	May and November
Jefferson,	1st do	do do
Wilkinson,	1st do	April and October.

Fourth District.

Copiah,	1st Monday	May and November
Neshoba,	4th aft 4th	do do
Newton,	3d aft 4th	do do
Scott,	2d aft 4th	do do
Simpson,	4th	do do
Smith,	1st aft 4th	do do

Fifth District.

Clarke,	3d Monday	May and Novem.
Greene,	1st do	April and October.
Jackson,	4th do	March and Sept.
Jasper,	2d do	May and Nov.
Jones,	4th do	April and October.
Lauderdale,	4th do	May and Nov.
Perry,	3d do	April and October.
Wayne,	2d do	do do

Sixth District.

Kemper,	4th Monday	April and October
Lowndes,	1st do	do do
Noxubee,	2d do	do do
Octibbeha,	4th aft 4th	do do
Winston,	3d aft 4th	do do

Seventh District.

Hinds,	3d Monday	March and Sept.
Madison,	1st do	May and November.
Rankin,	1st do	June and December

Eighth District.

Coahoma,	2d Monday	April and Oct.
De Soto,	4th do	March and Sept.
Lafayette,	3d do	May and Nov.
Marshall,	1st aft 4th	do do
Panola,	1st Monday	do do
Tunica,	1st do	April and Oct.

Ninth District.

Chickasaw,	2d aft 4th Mon.	April and Oct.
Itawamba,	3d Monday	do do
Monroe,	4th do	do do
Tippah,	1st do	do do
Pishemingo,	2d do	do do
Pontotoc,	3d after 4th	do do

Tenth District.

Attala,	2d Monday	April and October.
Holmes,	3d do	do do
Leake,	1st do	do do
Yazoo,	1st do	May and November.

Eleventh District.

Amite,	2d Monday	May and November.
Franklin,	4th do	do do
Pike,	1st do	do do
Covington,	3d do	April and October.
Hancock,	1st do	do do
Lawrence,	4th do	do do
Marion,	2d do	do do

The Court of Chancery has jurisdiction over all pleas and complaints whatsoever cognizable in a Court of Equity, and holds two sessions an nually, commencing on the 3rd Mondays in Apri and October for the Oxford District, and January and July at Jackson.

JUDGES and DISTRICT ATTORNEYS of the Circuits Courts.

	Judges.	*District Attorneys.*
1st,	George Coalter,	1st, E. G. Walker,
2nd,	B. F. Carothers,	2nd, G. F. Neill,
3rd,	Charles C. Cage,	3rd, Stanhope Posey,
4th,	Albert G. Brown,	4th, E. G. Peyton,
5th,	Henry Mounger,	5th, John Watts,
6th,	H. S. Bennett,	6th, Henry Gray,
7th,	John H. Rollins,	7th, F. Smith,
8th,	J. M. Howry,	8th, G. A. Wilson,
9th,	Stephen Adams,	9th, J. W. Thompson
10th,	M. L. Fitch.	10th, R. C. Perry,
11th,	Van T. Crawford,	11th. J. T. Lamkin

MISCELLANEOUS.

Extracts from the Address of the Whig Committee to the People of the State of Mississippi:

In 1832, a convention met at Jackson to form a new constitution. They ultimately agreed in the adoption of the present constitution, after having effected a much greater compromise of the conflicting opinions and feelings by which the members of that body were almost equally divided than they had any reason to expect. The conservative party in that body, at the head of whom stood John A. Quitman, recommended and supported, against strong opposition that clause of the constitution by which the power of the Legislature to pledge the faith of the State for the loan of money is restricted. This restriction was strenuously opposed by the ultra Democrats, at the head of whom was D. W. Wright, as being anti-republican; and moreover, on the ground that the convention were not authorized to abridge the sovereign powers of the people by any restriction whatever, but only to declare the form and mode in which those sovereign powers should be exercised. These objections were met by the agreement, that this restriction was not intended to abridge the power of the people, but to modify the exercise of that power by their Representative, in order to protect them against the hasty and improvident action of the Legislature, by giving to them an opportunity of reflecting on the propriety and necessity of pledging the faith of the state for the loan of money and of declaring their disapproval of such measure, if not considered proper or necessary, by electing another Legislature unfavorable in its adoption—that on the other hand, if the people approved the measure, they would afford a tacit demonstration of that approval, by electing another Legislature favorable to it. After long discussion, the 9th section of the 7th article was adopted, as part of the new constitution. We have alluded to this passage of history merely with the view of showing the reason of its adoption and further that it emanated from those who are now in favor of paying both the Planters and Union Bank bonds, and whose opinions, as the framers of the constitution, on account of their knowledge of all the facts and circumstances cotemporary with its adoption are entitled to the greatest respect in the interpretation of its provisions and of the extent of every obligation growing out of it. Hoping that our readers will bear in mind these prefatory observations, we will proceed with the history of the Union Bank Bonds,

By the 9th section of the 7th article of the constitution, it is provided that "No law shall ever be passed to raise a loan of money or to pledge the faith of the State for the payment or redemption of any loan or debt, unless such law be proposed in the Senate or House of Representatives, and be agreed on by a majority of the members of each house, and entered on their journals with the yeas and nays taken thereon, and be referred to the next succeeding Legislature and published for three months previous to the next general election in three newspapers of the State, and unless a majority of each branch of the Legislature elected after such publication shall agree to and pass such law, and in such case, the yeas and nays shall be taken and entered on the journals of each house.

We will, for the present, waive the question, whether the passage of the original charter, by a second Legislature does not itself constitute proof that all the preliminary forms of the constitution were complied with, and also the question whether even the omission of some of these forms was not cured by the acquiescence of the people and action of their Legislature, and will attempt to show that these preliminary forms were substantially complied with in every essential particular.

In January, 1835, the bill to incorporate the Mississippi Union Bank was proposed, but not acted on during that session.

In January, 1836, a new Legislature (elected in November, 1835,) assembled and the bill provided in 1835, passed the House of Representatives at that session by a vote of 43 ayes to 7 noes.—The yeas and nays were taken and they with the Bill were entered in the journals of the House; it did not pass the Senate at that session. In 1837, at a called session of the same Legislature, the same bill passed the Senate by a vote of 11 yeas to 8 noes, and they with the bill, were entered in the journals of the Senate. Thus far then the forms required by the 9th section of the 7th article of the constitution were complied with.

The constitution requires that every law pledging the faith of the State, shall be proposed and passed by the Legislature next preceding the Legislature to which it is referred. The reason of this we know to be that the people may have an opportunity of reflecting on the measure and tacitly approving or disapproving it.

Now it will be seen that the bill in question was proposed by the Legislature of 1835, and passed by a new Legislature in 1836 and '37, and referred to a third Legislature in 1838; so that a new Legislature, which held two sessions, intervened between the Legislature which proposed this bill (1835) and the Legislature to which it was referred (1838) which is plainly contrary to the strict letter of the constitution. But when we take into consideration that the reason and spirit of this clause of the constitution was thereby more fully met and complied with, by affording increased time and opportunity to the people to reflect on, discuss, and decide respecting the propriety of the measure, than if the strict letter of the constitution had been complied with, we do not hesitate to declare, and no reasonable man can hesitate to admit that so far from rendering the bill unconstitutional, it makes it, as well as all obligations growing out of it, doubly authoritative and binding.

The 47th section of the bill thus passed by the Legislature in 1736 and '37, refers the 5th section thereof, by which the faith of the State is pledged for the purposes therein declared, to the next Legislature and directs the act under the supervision of the Governor, to be published in three newspapers previous to the next regular election. That such publication was made, cannot now be controverted, because, 1st, the Legislature, whose legitimate and exclusive province it was to ascertain this fact during their session in 1838, passed the bill by a majority of both houses, thereby raising the presumption that they had evidence satisfactory to them that such publication as the constitution requires had been made. In fact it is well remembered by one of the undersigned, that one of the members from Rankin county, moved to bring the public printer to the bar of the House, in order that he might be examined as to the fact of publication, but that this motion was lost because (as was generally stated by its opponents) the House were satisfied from other sources of the fact, and required no additional evidence. Whether such publication was made or not, cannot therefore be now questioned, especially in regard to third persons, bona fide purchasing the bonds created by this law. The Legislature was the only constitutional agent and judge respecting this fact, and if they were either faithless or ignorant, the State, who ought in the exercise of their elective franchise to have chosen wiser and more honest representatives, is and ought to be made responsible.

2ndly. The report of a committee of the House of Representatives of 1842, respecting the Union bank bonds, (which committee was composed of repudiating democrats) admits that such publication was made as is required by the 9th section of the 7th article of the constitution. [See journal of H. of R. 1842, page 720, in parenthesis, of report signed J. E. Matthews, Ch'r.]

Forced reluctantly to concede the constitutionality of the original charter, the repudiators now rest their defence on other grounds, posterior in their origin to the passage of the original bill. For these grounds, we will again refer to the report above cited: (see journals of H. of R. pages 720, 721) not because the arguments there need possess any inherent strength, but because they derive a factitious influence from the circumstance of their having emanated from a committee selected to represent a majority of the members of the Legislature, and were fabricated for the purpose of misleading, by that influence, the people of the State, who had not the necessary means of investigating the subject.

We will review these objections in the order in which they are presented.

1st. As to opening books under ten managers, &c.

The 2nd section of the original charter provides that the books shall be opened under the inspection of 10 managers, to be elected by joint ballot of the Legislature for the space of six months and then be closed. In 1838, ten managers were elected by joint ballot of both houses in the manner directed by the 2nd section of the original charter. [See journals of H. of R., 1838, pages 351, 356.] It is presumable that these managers performed the duties prescribed by the charter. They did act, and the books of the Bank will show to the curious whether they acted correctly or not.

2nd. As to the necessity of a stockholder being an owner of real estate in Mississippi and a citizen thereof, &c.—It is a sufficient reply that the State consists of all the citizens, and does own real estate in abundance. She cannot be embraced in this restriction, because it was only intended to exclude non-residents, and certainly none will contend that the State is a non-resident. This objection is too trifling to be argued, and is only mentioned here to show the impotency of a cause which can only be supported by such absurdities.

3rd. As to giving sufficient mortgages to the satisfaction of the Directors and paying ten dollars &c. when required by the Directors.

The 8th section declares that "the subscribers shall be bound to give mortgages to the satisfaction of the Directors on property," &c.

The 11th section provides that "those declared stockholders shall each pay 10 dollars on each share of $100, at such time as may be required by the Directors."

By these sections the Directors, and they alone are made judges of the fact, whether the mortgages offered were satisfactory or not and also for the time when to require payment of $10 per share. The performance of this duty by the Directory, either well or ill, or their total neglect of it, could not affect the issuance of the bonds or the rights of those who purchased them, because these are facts which these purchasers had no opportunity or means of ascertaining or investigating, unless they had created a special commissionhr or court of Enuqiry in Mississippi with power to inspect the books of the Bank and take such other testimony as might be necessary for the purpose of ascertaining whether the Directory had performed their duty or not. But even had such a commission been created, it would have proved abortive, because commissioners thus appointed by foreigners would have had no power of compelling the attendance of such witnesses or the production of such papers as might be necessary, and especially would they have been debarred from an inspection of the books of the Bank which alone contained the evidence they would be in quest of, because by the 24th section of the original charter, or the mode of inspecting said books is declared to be, by a committee to be appointed by the Legislature of the State. Hence it will be manifest that by the charter, the Directory were the sole and exclusive judges of the subject and matter confided to them in the 8th and 11th sections, and that the propriety of their judgment could not be enquired into, and that therefore, the purchasers of the bonds had a right and were bound to act on the presumption that the Directory had performed all the duties of their office—a presumption corroborated by the act of the Governor in signing, and of the Treasurer in countersigning the bonds, and by the annexation of the Great seal of State which affords the highest degree of authenticity known to the law of evidence and recognized by all the tribunals of the world. It is a remarkable fact that this and all the other objections made by the Repudiators involve at every step some one or other of the sworn officers of the State in the charge of collusion, fraud, or neglect of duty, and also in the further absurdity of supposing that foreigners knew, that our public and accredited officers were thus guilty and corrupt, while we ourselves profess to have been wholly ignorant of it, although possessing all the means and opportunities of knowing such fact had it existed. And this too, in the teeth of that universal presumption that every public officer has done his duty and in the absence of all evidence which might tend to rebut that presumption. In short, the tendency of these objections to stultify the whole government of Mississippi, and to ascribe omniscience to every foreign government on earth.

6th. As to payment of $500,000 previous to commencing operations of bank, &c.

The 12th section provides "that after the payment of $500,000, the said bank shall go into operation under the provisions hereafter mentioned—namely:

Section 14th provides that as soon as $500,000 shall have been subscribed and paid in, as provided in the 12th section, the Governor of the State shall appoint a provisional directory, &c."—This directory was afterwards composed of the ten managers elected by joint ballot of the Legislature, as mentioned under the next preceding head of this address.

Section 30th, provides that as soon as the Directory shall have been appointed, &c., (see section 14 of original act, and section 17 of supplemental charter) they shall proceed to elect a President and the same shall be notified to the Governor of the State who will thereupon execute bonds in amount proportioned to the sums subscribed and secured to the satisfaction of the Directory.

By the foregoing sections which set forth the provisions under which the Bank was to commence operations, it appears that the Governor was bound to issue the bonds of the State upon this being notified by the Directory that they had elected a President, and that a certain amount had been subscribed for and paid in to their satisfaction.

It must be presumed, inasmuch as the Governor did so issue the bonds, he must have been so notified by the Directors otherwise the Governor would by mere presumption, be adjudged guilty of an official crime, in issuing said bonds. We must also presume that the Directors so notifying him, were satisfied, as required by the act, or we must again, by mere presumption, believe them guilty of official fraud.

The Directory may have erred in their judgment, but inasmuch as they were (as we have before demonstrated) exclusive and competent judges of the subject matter submitted to them by the charter such error cannot affect third persons injuriously, especially those living abroad—having had no voice in electing or empowering said Directory, and who neither did nor could have access to the books of the banks, in order to know whether the Directory and Governor were guilty either of fraud or of error, cannot therefore now be enquired into. They were the agents of the States, invested not with a naked power only, but also with judicial discretion, and their want of honesty or capacity, ought not to be visited on the heads of innocent and bona fide purchasers of these bonds. The bonds are negotiable instruments, made so by the 6th section of the charter. And it is a rule of commercial law, applicable to the States as well as individuals, and indeed much more operative against the former, that the fraud or corruption of agents shall not affect such claims, in the hands of a third person, who has purchased them, for valuable consideration, without knowledge of or participation in such fraud or corruption. He, who by reposing confidence in another, enables him to deceive a third person, must suffer all losses arising from such deception.

Having now disposed of the quibbles by which the advocates of that nefarious doctrine, against which we have been contending, seek to justify it, we will proceed to examine the only objection which possesses the dignity of an argument.

7th. That the supplemental act of 1838, by authorising the State to subscribe for $5,000,000 of stock, reduced the amount of stock to be subscribed for by citizens, and secured by mortgage to $10,500,000, leaving the 5,000,000 to be paid by the State without any other security than the assets of the bank.

The first section of the supplemental act authorizes the Governor to subscribe for Union Bank stock in the name of the State, amounting to $5,000,000, to be paid for out of the proceeds of the bonds "to be executed to said Bank as already provided by the original charter." This does not alter the terms or conditions on which the bonds are directed to issue by the original charter, nor does it provide for the execution of any new bonds not pirected by the original charter. It does not pledge the faith of the State for the redemption of any loan of money or payment of any debt. It does not therefore conflict with the original charter, but recognizes and adopts the provisions of that charter, so far as regards the issuance and sale of the bonds, and legislates only as to the "proceeds" of said bonds when executed as directed by the original charter. Its only substantive provisions are authority to the Governor to subscribe for $5,000,000 of bank stock, and an appropriation of the proceeds of the bonds to the payment of that amount. There is no clause of our Constitution which renders it necessary that either of these provisions should have been passed by two successive Legislatures. The ordinary forms of legislation were, therefore, sufficient to make it a valid law, and these forms were all observed in the passage of the supplement.

The bonds could only issue by virtue of the original charter, because the supplemental charter makes no provision for their issuance. The only part of the supplement which refers to them is the 1st section, just quoted, and the 17th section, which gives the power of the provisional Directory to the ten managers, and directs the Governor to execute bonds upon the application of said managers, in the like manner as is directed in the 20th section of the original charter. Even though the Governor may have thought and believed that he issued them under the supplement, the law was then otherwise, and has been so decided since. His opinions or intentions could not alter the law. Indeed it was a question which he had no authority to judge, because, as we have already demonstrated, the Directory were the judges of the time when the Bank was ready to commence operations, and upon their notifying the Governor of that fact, the original charter, and the supplement, required him to issue the bonds therein provided for.—Even Governor McNutt virtually admits the truth of the foregoing positions in his reply, contained in the evidence accompanying the report of the committee before mentioned, when asked whether "he delivered the bonds to the Directory as payment for the $5,000,000 of stock, subscribed for by the State," his reply was: "I did not, the stock was to be paid for out of the proceeds of the State bonds executed, to be sold thereafter.

Small as may be the respect due, either to the statements or opinions of his Excellency, in this instance it stands corroborated by the law, and facts of the case, and is a virtual admission that he did not issue these bonds under the 1st section of the supplement, and the only other section of the supplement, which relates to these bonds, to wit, the 17th, does not any wise alter the provisions of the original charter respecting the form or the amount of the bonds, nor of the objects for which they were to be created, but only directs the Governor when to issue them in the form and for the objects set forth in the original charter. It is therefore plain, that the bonds sold for the use of the Union Bank were issued under and according to the provisions of the original and not of the supplemental charter.

The only part of the objection left undisposed of is that which alleges that the security of the State was impaired by allowing her to subscribe for five millions of stock, without having executed mortgages therefor. A brief examination of this part of the objection will show that it is more specious than solid.

For what purpose did the original charter require mortgages to be executed by stockholders? To be deposited with the State as security against her liability, or the bonds to be executed by her. The State, by her subscription for five millions of stock, became a stockholder on the same terms and conditions as other stockholders so far as the objects of the charter required her to be so. What object of the charter required stockholders to execute mort-